

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**STEPHEN CHRISTOPHER
PLUNKETT, GDC #1001543904,**

Movant,
v.

UNITED STATES OF AMERICA,

Respondent.

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Civil Action No. **3:20-CV-640-L**

**ORDER ON RECOMMENDATION REGARDING
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Before the court is the Recommendation (“Recommendation”) (Doc. 134) from Magistrate Judge Irma Carrillo Ramirez on Movant Stephen Christopher Plunkett’s (“Movant”) Motion for Permission to Appeal *In Forma Pauperis* (Doc. 133). Movant filed objections to the Recommendation, contesting the recommendation that the court find “that the appeal is not taken in good faith, that it presents no legal points of arguable merit, and is therefore frivolous for the reasons set forth in the Recommendation.” Doc. 135 at 2 (cleaned up). Movant asserts many of the same arguments that he presented in his Final Amended Motion under 28 U.S.C. Section 2255, to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 31), his various non-dispositive motions made during the pendency of his case, and his objections to the recommendation of the magistrate to deny his Final Amended Motion (Doc. 128). *See generally id.* Movant fails to set forth new facts or law showing that the Recommendation is in error.

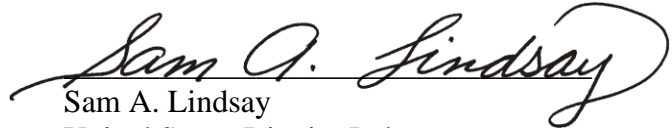
Accordingly, considering the filings, record, and applicable law, the court agrees with the recommendation of the magistrate judge and **accepts** it as that of the court. Accordingly, Movant’s

Objections (Docs. 135) are **overruled**, and his Motion for Permission to Appeal *In Forma Pauperis* (Doc. 133) is **denied with prejudice**. Accordingly, the court hereby finds and orders:

- () The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The request for leave to proceed *in forma pauperis* on appeal (doc. 133) is **DENIED** because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference the findings, conclusions, and recommendation, and the memorandum opinion and order filed in this case on October 3, 2022, and December 30, 2022, respectively (docs. 114, 128). Based on those filings, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous.

(X) Although this Court has denied leave to proceed *in forma pauperis* on appeal, the movant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). *See* Fed. R. App. P. 24(a)(5).

It is so ordered this 21st day of March, 2023.


Sam A. Lindsay
United States District Judge